

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

BAILEY WALSH & CO
5 York Place
Leeds LS1 2SD
GRANDE BRETAGNE

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Rule 71.1)

INTERNATIONAL APPLICATION NO.

Date of mailing

(day/month/year)

PCT/GB 03/02199
15.10.2004

Applicant's or agent's file reference

GW-SAR-9342-PCT

IMPORTANT NOTIFICATION

International application No.

PCT/GB 03/02199

International filing date (day/month/year)

21.05.2003

Priority date (day/month/year)

03.07.2002

Applicant

STEPPING STONES INVESTMENTS LTD

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

15 OCT 2004

Name and mailing address of the international preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer


Micheli, M

Tel. +31 70 340-3606



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference GW-SAR-9342-PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEAA16)	
International application No. PCT/GB 03/02199	International filing date (day/month/year) 21.05.2003	Priority date (day/month/year) 03.07.2002	
International Patent Classification (IPC) or both national classification and IPC B65C9/18			
Applicant STEPPING STONES INVESTMENTS LTD			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 15.12.2003		Date of completion of this report 15.10.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Wartenhorst, F Telephone No. +31 70 340-3641	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/02199

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-9 as originally filed

Claims, Numbers

1-7 received on 13.08.2004 with letter of 13.08.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/02199

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4-6
	No: Claims	1-3,7
Inventive step (IS)	Yes: Claims	
	No: Claims	1-7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: WO 00 30963 A (LOHMANN THERAPIE SYST LTS ;SCHUMANN KLAUS (DE); STEINBORN PETER (D) 2 June 2000 (2000-06-02)
- D2: US 2001/027845 A1 (TASMA GERALD WAYNE) 11 October 2001 (2001-10-11)
- D3: US-A-3 880 692 (JEFFRIES DALE) 29 April 1975 (1975-04-29)
- D4: US-B1-6 280 549 (LANGAN JOSEPH W) 28 August 2001 (2001-08-28)

1 INDEPENDENT CLAIMS 1, 7

- 1.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 7 is not new in the sense of Article 33(2) PCT.
- 1.2 The invention of document D1 is related to a method for dispensing flat forms such as labels, patches, stickers, transdermal therapeutic systems, medicaments for oral administration, etc.. Although two preferred embodiments are mentioned, the application of the flat forms is not restricted to these two preferred embodiments but is also applicable for labels.
- 1.3 Hence, the document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):
A method of applying adhesive labels (103) to products, wherein:
a web composed of a single web layer (101) and an adhesive layer (102), is used on which labels (103) are connected to the remainder (107) of the web (101+102) by catch points (105), and the web (101+102) is fed around a guide (106) in order to remove the labels (see also page 4, lines 1-6).
- 1.4 Also the combination of claims 1, 2 and 8 of document D1 teaches the method according to claim 1.
- 1.5 The subject-matter of claim 1 is therefore considered not new.

1.6 The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claim 7, which therefore is also considered not new.

1.7 Furthermore, also document D4 discloses a coil of a single layer web comprising the features as defined in claim 7.

2 DEPENDENT CLAIMS 2-6

2.1 Dependent claims 2-6 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:

2.2 Document D1 furthermore discloses the features of claims 2 and 3, i.e. the leading edge of each label is devoid of catch points (D1, page 4, lines 22-30, figures 1, 2) and the labels are of the self adhesive type (D1, claims 1, 2, 8).

2.3 The feature of claim 4, i.e. a water application station, claim 5, i.e. applying an adhesive before the web passes round the guide, and claim 6, i.e. a silicon layer, respectively, is described in documents D2, D3 and D4 respectively as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal design option to include this feature in the labelling method described in document D1 in order to solve the problem of activating, applying an adhesive layer or applying a release layer.

Claims

1. A method of applying adhesive labels (42) to product containers (16) comprising using a single web (36) on which the labels are printed at spaced intervals, and the label boundaries are defined in the web by lines of cutting (40) leaving the so defined labels (42) connected to the remainder of the web (36) by catch points (44), and wherein to remove the labels (42) the web is fed around a guide (32), of the same function and operation as the conventional beak of conventional applicator machinery, which causes the leading edge (42A) of each label to protrude out of the plane of the web (36) and the protruding edge (42A) forms a means whereby the remainder of the label (42) can be extracted from the web (36) by the breaking of the catch points (44).
2. A method according to claim 1, wherein the leading edge (42A) of each label (42) is sufficiently devoid of catch points (44) to ensure that it will reliably protrude from the web (36) when it first passes round the guide (32).
3. A method according to claim 1 or 2, wherein the labels (42) are of the self adhesive type.
4. A method according to claim 1 or 2, wherein there is a water application station to wet the adhesive to make it effective before application of the labels (42) to the containers (16).
5. A method according to any of claims 1 to 3, wherein the adhesive is applied immediately before the web (36) passes round the guide (32).

REPLACED BY
ART 34 AMDT

6. Labels for use in the method according to any preceding claim which are defined in a web (36) by cuts (40) leaving catch points (44) connecting the labels (42) to the remainder of the web (36).

REPLACED BY
ART 34 AMDT